

LIBELED: 5-16-57, S. Dist. Calif.

CHARGE: 501(c)—the strength of the capsules, when shipped, differed from that which they purported and were represented to possess.

DISPOSITION: 7-2-57. Default—destruction.

5453. Hemoton Forte. (F.D.C. No. 40284. S. No. 81-743 M.)

QUANTITY: 75 10-cc. vials at Metairie, La.

SHIPPED: 12-18-56, from Decatur, Ill.

LIBELED: 6-17-57, E. Dist. La.

CHARGE: 501(c)—the strength of the article, while held for sale, differed from that which it was represented to possess, namely, 60 micrograms of cyanocobalamin per cubic centimeter; and 502(a)—the label statement "Each cc contains Vitamin B-12—(From Liver Injection) Equivalent To: Cyanocobalamin 10 mcgm—and Cyanocobalamin (added) 50 mcgm" was false and misleading as applied to an article which had a potency of less than 40 micrograms of cyanocobalamin per cubic centimeter.

DISPOSITION: 8-15-57. Default—destruction.

5454. Prophylactics. (F.D.C. No. 40361. S. No. 72-915 M.)

QUANTITY: 720 2-unit pkgs. at Evanston, Wyo.

SHIPPED: 6-18-57, from Brooklyn, N.Y., by J. Schoenbach.

LABEL IN PART: "Royal Knight Prophylactics."

RESULTS OF INVESTIGATION: Examination showed that 5.9 percent of the article was defective in that it contained holes.

LIBELED: 7-2-57, Dist. Wyo.

CHARGE: 501(c)—the quality of the article, when shipped, fell below that which it purported to possess; and 502(a)—the label statement "Prophylactics" was false and misleading as applied to an article that contained holes.

DISPOSITION: 8-22-57. Default—destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

5455. Homeopathic drugs. (Inj. No. 298.)

COMPLAINT FOR INJUNCTION FILED: 3-27-56, E. Dist. Wis., against Louis Pauly, Milwaukee, Wis.

NATURE OF BUSINESS: The complaint alleged that the defendant was engaged in selling and distributing various *homeopathic drugs* in the form of tablets of various strengths and designated by name as follows: Calcium Fluoride (Calcarea Fluorica), Calcium Phosphate (Calcarea Phosphorica), Calcium Sulfate (Calcarea Sulphurica), Iron Phosphate (Ferrum Phosphate), Sodium Chloride (Natrum Muriaticum), Potassium Chloride (Kali Muriaticum), Sodium Sulfate (Natrum Sulphuricum), Silica (Silicea or Quartz), Potassium Phosphate (Kali Phosphate), Potassium Sulfate (Kali Sulphuricum), Magnesium Phosphate (Magnesium Phosphoricum), and Sodium Phosphate (Natrum Phosphoricum).

It was alleged that while these drugs were held for sale by the defendant, after shipment in interstate commerce, the defendant caused the drugs to be accompanied by the following pieces of labeling: Blotters entitled "Professional Comments on the Bio-Chemic System of Medicine" and "My Proposed Cover

*See also Nos. 5441, 5442, 5444-5451, 5453, 5454.

Page for Letter No. 16 November, 1950"; booklets entitled "My Open Letter No. 12," "Supplement Letter No. 13 November, 1949," "Supplement Letter No. 19 April, 1952," "Supplement Letter No. 6 June, 1945," "What the Forgotten 12 Tissue Remedies * * * Can Heal in The Human Body," "Supplement Letter No. 15 November, 1949," "Letter No. 22 January, 1954," "My Booklet Letter No. 24 April, 1955," and "My Booklet Letter No. 25 * * * The Biochemic System of Medicine November, 1955"; and leaflets entitled "Letter No. 13 September, 1948," "Excerpts From My Coming Letter No. 14 for 1949," "I am Calling This Sheet My #17 Letter July, 1951," "Letter No. 18," "Louis Pauly," "January, 1954 Supplement Letter No. 21A," "Mr. Roy C. Frank * * * January, 1953," "Supplement Letter No. 20 January, 1953," "Supplement Letter No. 21 * * * July, 1953," and "Letter No. 7 March, 1946."

CHARGE: The complaint charged that the defendant was violating the Act by his acts of causing the above-mentioned labeling to accompany the above-named drugs, in that such acts were done while the drugs were held for sale after shipment in interstate commerce and resulted in the drugs being misbranded as follows: 502(a)—the accompanying labeling of the drugs contained false and misleading representations that the drugs were adequate and effective treatments for the following diseases, symptoms, and conditions: tuberculosis, dermatitis, bronchitis, infantile paralysis (polio), fungus infections, chronic diseases, itching, eczema, prostatic hypertrophy, skin rashes, sores, all skin diseases, pyorrhea, arthritis, Hodgkin's disease, piles, boils, asthma, constipation, headaches, epilepsy, earache, tumors, pneumonia, abscess of the rectum, coughs, colds, psoriasis, acne, anemia, bed wetting, carbuncles, dyspepsia, impetigo, nervousness, fever, insomnia, neuritis, paralysis, prostate trouble, sinus diseases, styes on the eyes, fistula, high and low blood pressure, menopausal symptoms, leg cramps, lymphoblastoma, cancer, leukemia, Buerger's disease, colitis, nervous and mental breakdown, gallbladder trouble, glandular affections, female tumors, sciatica, diabetes, rheumatism, jungle rot, tonsillitis, appendicitis, breast cancer, shingles, multiple sclerosis, warts, ulcers, Bright's disease, heart trouble, gallstones, hay fever, other allergic diseases, muscular dystrophy, virus infections, mumps, and stomach ulcers.

The complaint alleged also that if the defendant was forced by an injunction to refrain from using the above-mentioned accompanying labeling on the drugs distributed by him, the defendant would not discontinue such distribution but would, unless enjoined, continue to distribute the drugs, while held for sale after shipment in interstate commerce, without labeling stating the conditions and purposes for which the drugs were intended; and that, in such case, the drugs would be misbranded under 502(f)(1), in that their labelings would fail to bear adequate directions for use because of the omission from such labeling of statements of the conditions and purposes for which the drugs were intended.

The complaint alleged also that the defendant was well aware that his activities were violative of the Act; that 3 seizures of *homeopathic drugs* in his possession had been made since 1952; that a Notice of Hearing had been issued to him in 1955, charging that his drugs were misbranded; and that he had been warned of the requirements of the Act at 6 different establishment inspections.

DISPOSITION: On 4-9-56, upon the failure of the defendant to appear, a preliminary injunction was entered pending the final determination of the action. On 5-31-57, the defendant having consented, the court entered a decree of permanent injunction enjoining the defendant from doing any of the following acts with respect to the above-named drugs or any other drugs of similar composition while such drugs are being held for sale after shipment in interstate commerce:

- (a) causing such drugs to be accompanied by the above-mentioned labeling;
- (b) causing such drugs to bear labels or be accompanied by labeling containing the representations described above and any other false and misleading representations; and
- (c) causing the omission from the labeling of such drugs of statements of the purposes and conditions for which the drugs are intended.

5456. Homeopathic drugs. (F.D.C. No. 38435. S. No. 5-333 M.)

QUANTITY: The following amounts of *homeopathic drugs* at Milwaukee, Wis., in possession of Louis Pauly: 2 1-lb. cartons of Homoeopathic Trituration of 2 X Calcarea Fluorica; 6 2-oz. btls. and 4 1-lb. btls. of E & K Homoeopathic Tablet Triturate Calcarea Fluorica (Calcium Fluoride) 6 X; 20 2-oz. btls. and 6 1-lb. btls. of E & K Homoeopathic Tablet Triturate Calcarea Fluorica (Calcium Fluoride) 12 X; 1 1-oz. btl., 5 2-oz. btls., 1 4-oz. btl., and 3 1-lb. btls. of E & K Homoeopathic Tablet Triturate Calcarea Phosphorica (Calcium Phosphate) 6 X; 1 1-lb. carton of E & K Homoeopathic Tablet Triturate Calcarea Sulphurica (Calcium Sulfate) 3 X; 11 2-oz. btls. and 9 1-lb. btls. of E & K Homoeopathic Tablet Triturate Calcarea Sulphurica (Calcium Sulfate) 6 X; 4 1-lb. cartons and 1 5-lb. carton of Homoeopathic Trituration of 2 X Ferrum Phosphate; 1-lb. carton of Homoeopathic Trituration of 6 X Ferrum Phosphate; 17 2-oz. btls. and 15 1-lb. btls. of E & K Homoeopathic Tablet Triturate Ferrum Phosphate 6 X; 12 2-oz. btls. and 6 1-lb. btls. of E & K Homoeopathic Tablet Triturate Ferrum Phosphoricum (Iron Phosphate) (or Ferrum Phosphate) 12 X; 12 2-oz. btls. and 16 1-lb. btls. of E & K Homoeopathic Tablet Triturate Kali Muriaticum (Potassium Chloride) 6 X; 9 2-oz. btls. and 11 1-lb. btls. of E & K Homoeopathic Tablet Triturate Kali Phosphoricum (Potassium Phosphate) 3 X; 8 2-oz. btls. and 9 1-lb. btls. of E & K Homoeopathic Tablet Triturate Kali Sulphuricum (Potassium Sulfate) 6 X; 12 2-oz. btls. and 4 1-lb. btls. of E & K Homoeopathic Tablet Triturate Magnesium Phosphoricum (Magnesium Phosphate) 3 X; 15 1-lb. btls. of E & K Homoeopathic Tablet Triturate Natrum Muriaticum (Sodium Chloride) 3 X; 8 2-oz. btls. and 8 1-lb. btls. of E & K Homoeopathic Tablet Triturate Natrum Phosphoricum (Sodium Phosphate) 6 X; 1 1-lb. carton of E & K Homoeopathic Tablet Triturate Natrum Sulphuricum (Sodium Sulfate) 1 Gr. 3 X; 8 2-oz. btls. and 3 1-lb. btls. of E & K Homoeopathic Tablet Triturate Natrum Sulphuricum (Sodium Sulfate) 6 X; 6 1-lb. btls. of E & K Homoeopathic Tablet Triturate Silicea (Silica) 3 X; 17 2-oz. btls. and 5 1-lb. btls. of E & K Homoeopathic Tablet Triturate Silicea (Silica) 6 X; 8 2-oz. btls. and 5 1-lb. btls. of E & K Homoeopathic Tablet Triturate Silicea (Silica) 12 X; 7 4-oz. btls. of E & K Compound Tablets Homoeopathic Cal. Fl. 6 X, Fer. Phos. 6 X, Kali Mur. 6 X, Kali Phos. 3X, Magnesium Phos. 3X; 4 2-oz. btls. of E & K Compound Tablets Homoeopathic Calcarea Fluor. 6 X, Ferrum Phos. 6 X, Kali Muriate 6 X, Silicea 6 X; 7 2-oz. btls. and 3 1-lb. btls. of E & K